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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,000	08/30/1999	KENICHI MIYAZAKI	Q55595	9906

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EXAMINER

MACKEY, PATRICK HEWEY

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/386,000

Applicant(s)

MIYAZAKI, KENICHI

Examiner

Patrick H. Mackey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 13, 15-18 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 13, 15, 17, 18 and 25-30 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/24/2003 has been entered.
2. The indicated allowability of claims 2 and 18 is withdrawn in view of the newly discovered reference(s) to Orbons. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al. Yamada discloses an image forming apparatus that includes at least one roll of paper (102) and one sheet of carton (101), a printing unit (2), and a discharged paper stacking unit (301) below the printing unit and in a straight line via a paper path from the feeding unit through the printing unit.

5. Claims 13, 18, and 25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Orbons et al. (EP 0727375 A1). Orbons discloses a sheet feeding area with a plurality of rolls arranged obliquely to each other

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. in view of Orbons (EP 07273754 A1). Yamada discloses all the limitations of the claim, but it does not disclose that the paper rolls are arranged obliquely to one another. However, Orbons discloses a sheet feeding unit that includes a plurality of paper rolls are arranged obliquely to one another for the purpose of simplifying roll replacement. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Yamada by having the paper rolls are arranged obliquely to one another, as disclosed by Orbons, for the purpose of simplifying roll replacement.

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8. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCulley in view of Smedal. McCulley discloses a paper roll attachment for a type writer that includes a sheet feeding area and a plurality of paper rolls arranged obliquely to each other, a printer (D), and a paper discharge area (generally at 19). McCulley discloses all the limitations of the claims, but it does not disclose a sheet feeding area positioned at a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level, when the printer is placed substantially at ground level. However, Smedal discloses a roll attachment for type writers that includes a frame (5) with a vertical leg (3) adapted to be supported at any elevation (see page 1, lines 85-90), including a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level, when the printer is placed substantially at ground level, for the purpose of adapting the attachment to any type writing machine (see page 1, lines 15-30). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify McCulley by utilizing a frame with a vertical leg adapted to be supported at any elevation, including a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level, when the printer is placed substantially at ground level, for the purpose of adapting the attachment to any type writing machine.

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9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hageman in view of Metzner. Hageman discloses a sheet feeding area which includes a roll of paper (46), a sheet of paper (s), and cover members (45/42). Hageman does not disclose that a single cover member extends linearly from an upstream portion to a downstream portion in which the sheet of paper is fed and the cover member is disposed between the sheet of paper and the roll of paper at a location in the sheet feeding area at which the roll of paper is in a rolled shape. Rather Hageman discloses two separate cover members (45, 42). Cover members (42) have a portion that extends linearly (42) that covers a first feeding path for the roll of paper from above and supports the sheet of paper from below. Additionally, cover members (45) have a portion between the sheet of paper (s) and the roll of paper (46) at a location in the sheet feeding area at which the roll of paper is in a rolled shape. However, Metzner discloses a single cover member (23) that extends linearly from an upstream portion to a downstream portion in which a sheet of paper is fed and the cover member is disposed between a sheet of paper and a feed pack at a location in the feed pack area for the purpose of continuously supporting the paper from the pack to the printing area. It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Hageman by utilizing a single cover member that extends linearly from an upstream portion to a downstream portion in which a sheet of paper is fed and the cover member is disposed between a sheet of paper and a feed pack at a location in the feed pack area for the purpose of continuously supporting the paper from the roll to the printing area.

*Allowable Subject Matter*

10. Claim 16 is allowed.

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11. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

12. Applicant's arguments filed 3/4/2003 have been fully considered but they are not persuasive.

13. The applicant states that Yamada does not disclose or suggest the height requirement of claim 1. In response, see Yamada Fig. 29.

14. The applicant states that Yamada describes a paper feeding unit operable to feed only rolled paper and does not disclose feeding a sheet of paper. In response, Yamada discloses a device in which it is possible to feed sheets of paper. Additionally, the applicant has not defined or disclosed the term sheet in a way that distinguishes it from Yamada. For example, a "roll" of paper is nothing more than a long sheet of paper. Note that Yamada does not disclose feeding a roll of paper, but rather discloses feeding sheets of paper (see for example, col. 5, lines 57-61). Finally, the examiner notes that Yamada discloses cutting the "rolls" into smaller sheets.

15. The applicant states that Smedal does not disclose "a sheet feeding area positioned at a height where a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level." In response, the examiner notes Smedal discloses that the printing medium can be set at any vertical height so long as it is supported by post 2.

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16. The applicant states that post 2 of Smedal is a device separate/distinct from the typewriter. In response, the examiner notes that the claims do not limit the applicant's invention in a manner that distinguishes the claims along these lines.

17. The applicant states that Smedal does not disclose a sheet feeding area of a large printer and that neither McCulley nor Smedal discloses a large printer. In response, the examiner notes that a typewriter is a printer. The claims do not contain any language limiting the overall dimensions of the apparatus.

18. The applicant states that typewriters are not large printers and do not suffer from the problems encountered by large printers. The examiner notes that, aside from attorney's arguments, the applicant has not presented any evidence of this assertion.

19. The applicant states that the examiner has failed to explain why one of ordinary skill in the art would have been motivated to modify the post of Smedal such that it is sufficiently long to extend the roll of paper to a height sufficient to allow a user to set up the printing medium without having to bend substantially at the waist while standing erect in front of the typewriter. In response, the examiner notes that the stated rejection does not contain any modification of Smedal.

20. The applicant states that typewriters, by their very nature are designed to not be placed substantially at the ground level. In response, not US 2,904,332 to Metzner which discloses a typewriter placed at the ground level.

21. The applicant states that Smedal fails to teach or suggest that the post 2 is of a size sufficient to allow the attachment to be positioned at the claimed height. In response, the

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examiner notes that Smedal does not limit the size of post 2 in any way other than stating that vertical leg 3 is adapted to be supported at any elevation (see page 1, lines 85-90).

22. The applicant states that neither Smedal nor McCulley teach or suggest a sheet feeding area operable to feed a printing medium having a width in a range from 210 mm to 1120 mm. In response, the examiner notes that 210 mm is less than 8 ½ inches which is the standard size width of a sheet of paper in the United States.

23. The applicant states that Hageman fails to teach or suggest a cover member and that neither housing 45 nor guide plate 42 covers a feeding path. In response, Fig. 4 illustrates guide plates 42 covering a sheet path.

24. The applicant states that Metzner fails to disclose the cover member extending from an upstream portion to a downstream portion. In response, see Fig. 1.

### *Conclusion*

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Mackey whose telephone number is (703) 308-0630. The examiner can normally be reached on Tuesday-Friday 7:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 746-3750 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to be 'P. Mackey', with a stylized, cursive script.

Patrick H. Mackey  
Primary Examiner  
Art Unit 3651

April 3, 2003